

2. Defendant's motion is **GRANTED** as Count III of the Amended Complaint, and Count III of the Amended Complaint is **DISMISSED WITH PREJUDICE**. This dismissal does not affect plaintiffs' request for relief in the form of equitable rescission in Counts I and II.

3. Defendant's motion is **DENIED** in all other respects.

IT IS FURTHER ORDERED that a scheduling conference will be conducted in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.